

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IVAN LEE PAGE,

Plaintiff,

Case No. 09-10778

v.

THOMAS BIRKETT, et. al,

HON. AVERN COHN

Defendants.

ORDER DENYING PLAINTIFF'S
MOTIONS TO AMEND COMPLAINT
AND
MOTION FOR APPOINTMENT OF COUNSEL

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Ivan Lee Page, proceeding pro se, is a state prisoner currently confined at the Standish Maximum Correctional Facility in Standish, Michigan. Plaintiff filed a complaint claiming his civil rights had been violated stemming from his placement in administrative segregation. The Court summarily dismissed the complaint for failure to state a claim upon which relief may be granted. See Order of Summary Dismissal, filed April 7, 2009.

Before the Court are the following motions by plaintiff:

Motion for Appointment of Counsel (Dkt. # 9) signed April 7 and filed April 13, 2009

Motion for Leave to File an Amended Complaint (Dkt. # 10) signed April 7 and filed April 13, 2009

Motion to File an Amended Complaint (Dkt. #11) signed April 13 and filed April 14, 2009.

II.

In the first motion to amend (Dkt. #10), plaintiff seeks to further detail the relief he seeks and add additional parties. In the second motion to amend (Dkt. #11), plaintiff seeks to add additional allegations regarding his placement in administrative segregation to support his claim for deprivation of his constitutional rights. Plaintiff's motions come too late because the case is closed. However, given plaintiff's pro se status and the fact that the motions were filed shortly after the Court's dismissal order, the Court has reviewed the motions and concludes that plaintiff's proposed amendments do not change the result. That is, plaintiff still fails to state a claim upon which relief may be granted. Plaintiff still has not alleged that he has forfeited earned sentence credits on the basis of the complained-of misconduct, or suffered any deprivation of liberty other than confinement in segregation in order to make out a claim for violation of his constitutional rights. As explained in the Order of Summary Dismissal, plaintiff does not have a constitutional right to be returned to the general population at the prison nor does he have a constitutional right to reside at a particular institution or to enjoy a particular security classification. Accordingly, plaintiff's motions to amend are DENIED.

Given this determination, plaintiff's motion for appointment of counsel is also
DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2009

I hereby certify that a copy of the foregoing document was mailed to Ivan Lee Page, #228562, Standish Maximum Correctional Facility, 4713 W M-61, Standish, MI 48658 and the attorneys of record on this date, April 22, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160